

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW HAMPSHIRE

Joseph P. Galibois

v.

Civil No. 04-cv-444-JD

John Fisher

O R D E R

Joseph P. Galibois, proceeding pro se, moved for an extension of time to file an amended complaint several months after the deadline had passed. Galibois asserted that his motion was delayed because discovery had extended beyond the deadline due to delays caused by John Fisher. Fisher acknowledged the discovery delays but objected to an extension of time on the ground that no basis existed, based on the late discovery, to amend the complaint. The magistrate judge denied the motion on the grounds that it was late and Galibois had not shown any basis for amendment. Galibois moves for reconsideration, arguing again that Fisher's discovery delays were the reason he did not move to amend within the time allowed.

The more appropriate time to challenge the grounds for a proposed amendment would be in an objection to a motion to amend. Because Fisher acknowledges that discovery was delayed, through no fault of Galibois's and without a motion to extend time for discovery to be completed, the better course would be to allow

Galibois to move to amend the complaint. The merits of such a motion will be addressed when it is filed.

Conclusion

For the foregoing reasons, the plaintiff's motion for reconsideration (document no. 32) is granted. The plaintiff is given until **January 5, 2007**, to file a motion to amend the complaint. No further extensions of time will be allowed.

SO ORDERED.


Joseph A. DiClerico, Jr.
United States District Judge

December 21, 2006

cc: Brian J.S. Cullen, Esquire
John F. Galibois, pro se